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U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

February 18, 2022

BY ECF

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square, Courtroom 443
New York, NY 10007

Re: *United States v. Williams, et al. 21 Cr. 603 (VEC)*

Dear Judge Caproni:

The Government writes pursuant to the Court's order dated February 11, 2022, to provide a status report to the Court indicating the estimated timeline to complete global productions of material for the charged defendants and the anticipated volume of those productions. The Government provides below an assessment of the volume of discovery produced to the defendants, and the volume left outstanding. As has been noted to the Court, the Government's investigation is ongoing and it anticipates obtaining additional materials beyond what is outlined below. Some of those materials will require production to the defendants at a later date.

Process. The Government has produced 17 search warrants and their applications, as well as three § 2703(d) orders and their applications. This represents the court-ordered process the Government acquired prior to October 7, 2021, which is the day the Indictment was unsealed. The production of this category of material is complete.

§ 2703(d) Returns. The Government has produced approximately one gigabyte of materials acquired pursuant to § 2703(d) orders. The production of this category of material is complete.

Search Warrant Returns Containing Cellsite Location Information. The Government has produced historical cellsite information for approximately 29 phone numbers. In addition, the Government has produced prospective cellsite information for approximately 21 phone numbers. The production of this category of material is complete.

Search Warrant Returns Containing Location Information from Social Media Providers. The Government has produced location information for approximately six social media accounts. The production of this category of material is complete.

Search Warrant Returns from Email Accounts. The Government obtained search warrants on approximately 19 email accounts. With respect to nine email accounts, the Government's responsiveness review is complete and responsive materials, approximately 44,714 pages of

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material, have been produced to the Defendants. With respect to nine of the remaining email accounts, due to logistical delays with an outside vendor, and a privilege review, the Government's responsiveness review begun this week. The volume of material to review is moderate, and the Government expects to produce responsive material from those nine accounts within the next three to five weeks, depending upon the speed the Government's outside vendor can stage and produce the documents. The tenth outstanding account is being processed for review by the Government's outside vendor. The Government hopes to begin its review of that account soon.¹

Search Warrant Returns from Physical Devices. On October 7, 2021, the Government executed a search warrant on defendant Terrence Williams's residence and seized from it three cellphones, one iPod, one iPad, and two laptops. On February 16, 2022, the FBI's Computer Analysis Response Team ("CART") provided the case team extractions of the iPod, two laptops and three cellphones. The iPad is presently unable to be extracted. The total size of the extracted material is approximately 578 GB. It is not clear yet what percentage of the 578 GB are system files and/or unreadable data. Based on initial indications, it appears the extractions of the cellphones have limited content information and thus CART is undertaking additional efforts to attempt to extract information from two of these cellphones. CART has not been able to provide an estimate as to how long it will take CART, if ever, to successfully recover more content information from these two cellphones. Accordingly, it is difficult for the Government to assess, at present, the time required to review this material and produce any responsive material to the Defendants. The Government proposes to update the Court about these devices in its next status letter due on or before April 1, 2022.²

Subpoena Returns. The Government has produced approximately 4,817 files and 315,000 pages of materials provided to the Government pursuant to a subpoena. The bulk of this material include, for example, bank statements, financial information, travel records, telephone records, and records regarding email addresses. The Government has largely completed production of this category of material, materials from approximately eight subpoena returns remain, and the Government anticipates producing that remaining material next week.

Subpoena Returns from Health Care Providers. The Government has acquired approximately 1,684 files from health care providers. This material has not yet been produced. The Government anticipates producing the bulk of this material next week. It is currently being reviewed.

Subpoena Returns from the Plan and Third-party Administrators ("TPAs"). In the course of its investigation, the Government obtained material from the two TPAs that managed the Plan. This material is voluminous and consists of approximately 32,333 files, 22 gigabytes. Most of that material does not concern individuals named in the Indictment. The Government has already

¹ Each of the 19 email accounts have been produced in full to the individual defendant to whom the account belongs.

² Today, the Government produced the full extractions, currently in its possession, to defendant Terrence Williams.

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provided the defendants the vast majority of material from the TPAs that the Government relied upon when seeking process, and the Indictment, in this case. (One additional category of that material, approximately ten Excel and .pdf files, that the Government relied upon remains. These documents required extensive redactions to protect the medical privacy of nonparties. These files will be produced next week.) In an abundance of caution, the Government has searched the rest of the material from the TPAs for the defendants' names. As to one TPA, approximately 1,180 documents were responsive to that search. As to the second TPA, 3,043 documents were responsive to that search, another 2,236 do not have extracted text and cannot be searched. The Government is reviewing these 6,459 documents. The Government anticipates producing responsive materials from these sets of documents, on a rolling basis, which will be complete in the next three to six weeks, depending upon the speed the Government's outside vendor can stage and produce the documents.

In sum, the Government has produced approximately 51 gigabytes of uncompressed data (approximately 5,694 files and approximately 465,000 pages) to the defendants. With the exception of the devices seized from Terrence Williams, within the next six weeks, the Government anticipates it will have produced the vast majority of outstanding material, excluding certain materials that the Government has acquired, or will acquire, related to its ongoing investigation of uncharged individuals. Further, the Government also has completed its production of material to the individual defendants of post-arrest statements, criminal history documents, and email accounts attributable to them.

The Government is available to address any questions the Court may have.

The Government's request that it provide a further update to the Court about the search warrant returns from physical devices in its next status letter due no later than April 1, 2022 is GRANTED. The Government's bi-monthly status updates must include the level of detail exhibited in this letter moving forward.

SO ORDERED.

Valerie Caproni
Date: February 18, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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